

REMARKS

Claims 1 - 22 are pending in the application. Claims 1-22 have been rejected. New claims 23-28 have been added.

Independent claims 1, 10, and 18 stand rejected under Kubota, U.S. Patent No. 5,034,980 (Kubota). These rejections are respectfully traversed.

The present invention, as set forth by independent claim 1, relates to a method of selectively installing software onto a *computer system* manufactured by a *computer system manufacturer* the method includes reading a configuration file that contains computer system information including *manufacturer specific identification information identifying the computer system manufacturer*, determining an encrypted key from one or more bytes from the *configuration file, including the manufacturer specific information*, and deciphering data stored on a nonvolatile storage device using the key so as to ensure that *the software is installed only on a computer system manufactured by the computer system manufacturer*.

The present invention, as set forth by independent claim 10, relates to a *computer system for selectively installing software*. The computer system is *manufactured by a computer system manufacturer* and includes a processor, nonvolatile memory operatively coupled to the processor, a nonvolatile storage device, one or more configuration files, and a computer program executable by the processor. The computer program is capable of reading a configuration file stored in the nonvolatile memory and determining an encrypted key from one or more bytes read from the configuration file. The encrypted key is capable of deciphering data stored on the nonvolatile storage device *so as to ensure that the software is installed only on a computer system manufactured by the computer system manufacturer*. The one or more *configuration files contain computer system information*. The computer system information includes *manufacturer specific identification information identifying the computer system manufacturer*.

The present invention, as set forth by independent claim 18, relates to a method of selectively installing software onto a *computer system manufactured by a computer system manufacturer*. The method includes reading a *configuration file that contains computer system information*, determining a key from one or more bytes from the configuration file including

manufacturer specific information, and storing the key in a registry file. The computer system information includes *the manufacturer specific identification information identifying the computer system manufacturer.*

The present invention, as set forth by independent claim 20, relates to a computer readable medium for selectively installing software onto *a computer system manufactured by a computer system manufacturer.* The computer readable medium includes means for reading *a configuration file that contains computer system information,* means for determining a key from one or more bytes from the configuration file including manufacturer specific information, and means for storing the key in a registry. The *computer system information* includes the *manufacturer specific identification information identifying the computer system manufacturer.*

The present invention, as set forth by independent claim 22, relates to *a computer system* for selectively *installing software onto a computer system manufactured by a computer system manufacturer.* The computer system includes means for reading *a configuration file that contains computer system information,* means for determining a key from one or more bytes from *the configuration file including manufacturer specific information,* and means for storing the key in a registry. The *computer system information* includes *the manufacturer specific identification information identifying the computer system manufacturer.*

Kubota discloses a microprocessor which provides copy protection. The microprocessor includes an integrated decoding circuit having a unique cryptographic code for providing copy protection of protected computer software (Kubota, Col. 2, lines 62 – 65.) When a microprocessor is manufactured, a key associated with an ID of the microprocessor is embedded into the decoder. (Kubota, Col 3, line 67 – Col. 4, line 1.) When copy protection of software is desired, the software is encrypted to function uniquely with the microprocessor. (Kubota, Abst.)

More specifically, Kubota sets forth:

The integrated circuit microprocessor chip of the present invention has integrated within it a deciphering code and a decoding circuit to decode the cryptographically protected software. For each individual chip a unique key (or code) is embedded as part of the decoding circuit during the fabrication of the chip. This key operates to decipher the coded software. Computer software which is to be copy protected is cryptographically coded such that only a unique key can decipher the software. That is,

the computer software is coded according to the key value of a particular chip and can operate properly only with the chip having that key. Therefore, there is a one-to-one relationship between a copy protected computer software and a given microprocessor.

In operation, when the software is to be obtained by the computer user, the user must identify to the supplier of the software the identification of the user's specific microprocessor. An identification number (ID) is attributed to each microprocessor. Once the software provider is given an ID, the software supplier will then encrypt the software according to the code associated with that ID. Then this software is provided to the user. When the copy protected software is accessed by the appropriate microprocessor having that ID, the key provides the correct deciphering. However, if the key value is incorrect, indicating that the software is not intended for that microprocessor, then the correct deciphering cannot occur. (Kubota, Col., 3, lines, 22 – 50.)

The examiner has set forth that:

Kubota discloses a system for providing copy protection wherein a microprocessor is encrypted with a unique code (configuration file) during its manufacture (manufactured by a computer system manufacturer, identifying the computer system manufacturer). A software package is encrypted to function uniquely with a particular microprocessor such that only the unique cryptographic code in the microprocessor (identification information) can decipher it (read configuration file, ensure that the software is installed only on a computer system manufactured by the computer system manufacturer) (Abstract, Col. 2, lines 1 – 45). (Office action dated 9/24/2003, page 2.)

Kubota discloses and relates solely to microprocessors. Kubota does not provide any disclosure relating to computer systems, much less to identifying a particular computer system manufacturer. Applicants respectfully submit that providing manufacturer specific identification information identifying a computer system manufacturer is patentably distinct from uniquely identifying a particular microprocessor as disclosed in Kubota. Accordingly, Kubota does not teach or suggest all of the claim limitations of the claimed invention. (See M.P.E.P. 2143.03.)

More specifically, Kubota, taken alone or in combination, does not teach or suggest a method of selectively *installing software onto a computer system manufactured by a computer system manufacturer*, much less such a method which includes reading a configuration file that contains computer system information including *manufacturer specific identification information identifying the computer system manufacturer*, or using a key so as to ensure that the software is installed *only on a computer system manufactured by the computer system manufacturer*, all as required by independent claim 1. Accordingly, claim 1 is allowable over Kubota. Claims 2 – 9 depend from claim 1 and are allowable for at least this reason.

Kubota, taken alone or in combination, does not teach or suggest *a computer system for selectively installing software where the computer system is manufactured by a computer system manufacturer*, much less such a computer system which includes a computer program which is capable of reading a configuration file stored in the nonvolatile memory and determining an encrypted key from one or more bytes read from the configuration file and the encrypted key is capable of deciphering data stored on the nonvolatile storage device *so as to ensure that the software is installed only on a computer system manufactured by the computer system manufacturer* and wherein one or more configuration files contains computer system information which computer system information includes manufacturer specific identification information identifying the computer system manufacturer, all as required by claim 10. Accordingly, claim 10 is allowable over Kubota. Claims 11 – 17 depend from claim 10 and are allowable for at least this reason.

Kubota, taken alone or in combination, does not teach or suggest a method of *selectively installing software onto a computer system manufactured by a computer system manufacturer*, much less such a method which includes reading a configuration file that *contains computer system information which includes manufacturer specific identification information*, determining a key from one or more bytes from *the configuration file including the manufacturer specific information identifying the computer system manufacturer*, and storing the key in a registry file, all as required by claim 18. Accordingly, claim 18 is allowable over Kubota. Claim 19 depends from claim 18 and is allowable for at least this reason.

Independent claims 20, and 22 stand rejected under Kubota in view of Patterson, U.S. Patent No. 6,389,541 (Patterson). These rejections are respectfully traversed.

Kubota is discussed above.

Patterson discloses a method for regulating access to digital content such as text video and music. The content is stored as part of a compressed and encrypted data file at a client computer. The content is inaccessible to the user until a use authorization occurs. The data file is activated and locked to the particular client computer. The data file is not accessible without new authorization if the data file is transferred to another computer.


Kubota and Patterson, taken alone or in combination, do not teach or suggest a computer readable medium for *selectively installing software onto a computer system manufactured by a computer system manufacturer* which includes means for reading a configuration file that contains *computer system information which includes manufacturer specific identification information*, means for determining a key from one or more bytes from *the configuration file including the manufacturer specific information identifying the computer system manufacturer*, and means for storing the key in a registry, all as required by claim 20. Accordingly, claim 20 is allowable over Kubota and Patterson. Claim 21 depends from claim 20 and is allowable for at least this reason.

Kubota, and Patterson, taken alone or in combination, do not teach or suggest *a computer system for selectively installing software onto a computer system manufactured by a computer system manufacturer* which includes means for reading a configuration file that contains computer system information *which includes manufacturer specific identification information identifying the computer system manufacturer*, means for determining a key from one or more bytes from *the configuration file including the manufacturer specific information*, and means for storing the key in a registry, all as required by claim 22. Accordingly, claim 22 is allowable over Kubota, and Patterson.

CONCLUSION

In view of the remarks set forth herein, the application is believed to be in condition for allowance and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the examiner is requested to telephone the undersigned.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop Fee Amendment, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450, on December 23, 2003.

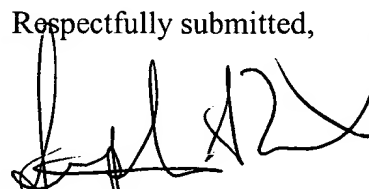


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12/23/03

Date of Signature

Respectfully submitted,



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